

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THOMAS KENDALL WEBB, JR.,)	
)	
Plaintiff,)	Civil Action No. 13-179E
)	
v.)	Judge Cathy Bissoon
)	Magistrate Judge Susan Paradise Baxter
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

MEMORANDUM ORDER

This case has been referred to United States Magistrate Judge Susan Paradise Baxter for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.C and 72.D of the Local Rules for Magistrates.

On January 3, 2014, the magistrate judge issued a Report (Doc. 10) recommending that this case be dismissed under Fed. R. Civ. P. 4(m) based on Plaintiff's failure to show good cause why Defendants were not served within 120 days. Service of the Report and Recommendation was made, and Plaintiff has filed Objections. *See* Doc. 11.

Plaintiff's Objections are OVERRULED. As of now, 235 days after the filing of the Complaint, the record still does not contain adequate proof of service regarding all entities that Plaintiff is required to serve. At best, Plaintiff's objections reflect misunderstandings regarding how to prove service under Rule 4, and – thereby – to demonstrate compliance with the time limitation in subsection (m). "Good cause," as referenced in Rule 4(m), does not extend to unjustified misunderstandings of the law. Green v. Humphrey Elevator & Truck Co., 816 F.2d 877, 884-85 (3d Cir. 1987) (citations omitted).

Thus, after a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following Order is entered:

This case is dismissed, without prejudice, under Federal Rule of Civil Procedure 4(m), and the Report and Recommendation of Magistrate Judge Baxter dated January 3, 2014 hereby is adopted as the Opinion of the District Court.

IT IS SO ORDERED.

February 14, 2014

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All counsel of record